

SUBSTITUTE FOR

SENATE BILL NO. 783

(As amended March 16, 2004)

A bill to amend 1931 PA 328, entitled
"The Michigan penal code,"
(MCL 750.1 to 750.568) by adding section 411t.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 411t. (1) Except as provided in subsection (4), a
2 person who attends <<or is employed by>> an educational institution shall
3 not engage in
4 or participate in the hazing of an individual.
- 4 (2) A person who violates subsection (1) is guilty of a crime
5 punishable as follows:
- 6 (a) If the violation results in physical injury, the person
7 is guilty of a misdemeanor punishable by imprisonment for not
8 more than 93 days or a fine of not more than \$1,000.00, or both.
- 9 (b) If the violation results in serious impairment of a body
10 function, the person is guilty of a misdemeanor punishable by
11 imprisonment for not more than 1 year or a fine of not more than

1 \$2,500.00, or both.

2 (c) If the violation results in death, the person is guilty
3 of a felony punishable by imprisonment for not more than 15 years
4 or a fine of not more than \$10,000.00, or both.

5 (3) A criminal penalty provided for under this section may be
6 imposed in addition to any penalty that may be imposed for any
7 other criminal offense arising from the same conduct.

8 (4) This section does not apply to an individual who is the
9 subject of the hazing, regardless of whether the individual
10 voluntarily allowed himself or herself to be hazed.

11 (5) This section does not apply to an activity that is normal
12 and customary in an athletic, physical education, military
13 training, or similar program sanctioned by the educational
14 institution.

15 (6) It is not a defense to a prosecution for a crime under
16 this section that the individual against whom the hazing was
17 directed consented to or acquiesced in the hazing.

18 (7) As used in this section:

19 (a) "Educational institution" means a public or private
20 school that is a middle school, junior high school, high school,
21 vocational school, college, or university located in this state.

22 (b) "Hazing" means an intentional, knowing, or reckless act
23 by a person acting alone or acting with others that is directed
24 against an individual and that the person knew or should have
25 known endangers the physical health or safety of the individual,
26 and that is done for the purpose of pledging, being initiated
27 into, affiliating with, holding office in, or maintaining

1 membership in any organization. Subject to subsection (5),
2 hazing includes any of the following that is done for such a
3 purpose:

4 (i) Physical brutality, such as whipping, beating, striking,
5 branding, electronic shocking, placing of a harmful substance on
6 the body, or similar activity.

7 (ii) Physical activity, such as sleep deprivation, exposure
8 to the elements, confinement in a small space, or calisthenics,
9 that subjects the other person to an unreasonable risk of harm or
10 that adversely affects the physical health or safety of the
11 individual.

12 (iii) Activity involving consumption of a food, liquid,
13 alcoholic beverage, liquor, drug, or other substance that
14 subjects the individual to an unreasonable risk of harm or that
15 adversely affects the physical health or safety of the
16 individual.

17 (iv) Activity that induces, causes, or requires an individual
18 to perform a duty or task that involves the commission of a crime
19 or an act of hazing.

20 (c) "Organization" means a fraternity, sorority, association,
21 corporation, order, society, corps, cooperative, club, service
22 group, social group, athletic team, or similar group whose
23 members are primarily students at an educational institution.

24 (d) "Pledge" means an individual who has been accepted by, is
25 considering an offer of membership from, or is in the process of
26 qualifying for membership in any organization.

27 (e) "Pledging" means any action or activity related to

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1 becoming a member of an organization.

2 (f) "Serious impairment of a body function" means that term
3 as defined in section 479a.

<<(8) This section shall be known and may be cited as "Garret's
law".>>